

College of Physical Therapists of British Columbia
Public Notice under s. 39.3 of the Health Professions Act

Ross McFadyen, RPT

Location: Victoria, BC

Date of Action: May 13, 2019

Date Action Ended: May 19, 2020

Limits, conditions and suspensions ordered by the Inquiry Committee under section 35(1) of the Act, or by the Discipline Committee under section 38(8), are made to protect the public during an investigation, pending a hearing, or during a hearing. Measures taken under sections 35(1) or 38(8) of the Act pertained to matters which are and remain unproven unless admitted by a registrant or determined by the Discipline Committee. Actions under sections 35(1) and 38(8) of the Act are subject to appeal by the registrant to the court.

Update: The Inquiry Committee ultimately made a disposition decision under s. 33(6)(c) and 36(1) of the Act to enter into a consent agreement. The s. 35 interim order ceased to have any effect at that point.

Nature of Action: Mr. McFadyen voluntarily entered into a consent agreement with the Inquiry Committee of the College agreeing that he will not practice physical therapy, whether for a fee or otherwise, except in the presence of a chaperone of the patient's choosing as of March 13, 2019. This action is temporary and does not indicate any wrongdoing.

Reasons: A patient of Mr. McFadyen made a complaint to the College alleging that during his treatment, it appeared that Mr. McFadyen engaged in touching which appeared to be non-therapeutic in nature. The Inquiry Committee is currently investigating the matter.

In view of the serious nature of the allegations, which if proven, would present a significant risk to public safety, the Inquiry Committee decided to conduct a hearing, under section 35(1) of the Health Professions Act, to determine whether any action may be necessary to protect the public during the investigation.

To obviate the need for a hearing, Mr. McFadyen voluntarily entered into a consent agreement (as described above) which is in effect while the Inquiry Committee conducts its investigation. The Inquiry Committee is satisfied that this action is sufficient to protect the public.

Important Note: The consent agreement relates to matters, which are and remain unproven unless admitted by Mr. McFadyen or determined by the Discipline Committee.